

## **Resolution No. RES-2014-028**

### **RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY FOR THE TOWN OF CLEAR LAKE**

**WHEREAS**, the Town Board (“Board”) of Clear Lake Township (“Town”) is the road authority and provides maintenance for approximately 32 miles of road in the Town;

**WHEREAS**, the Board, as the road authority, provides for snow and ice control on the town roads it has designated to receive winter maintenance;

**WHEREAS**, the Board secures its snow and ice control services through contract with an independent contractor (“Contractor”);

**WHEREAS**, the Board determines it is in the best interest of the Town to develop a policy to set out how snow and ice control activities will be conducted on town roads considering the Town’s limited resources;

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby adopts the following as the snow and ice control policy for the Town;

**BE IT FURTHER RESOLVED**, that any Contractor performing snow or ice control services for the Town shall follow this policy.

#### **I. POLICY CONSIDERATIONS**

In developing this policy for how to best undertake snow and ice control activities in the Town, the Board has to balance a number of factors including, but not limited to public safety, the cost effective allocation of resources, maintaining an efficient transportation system, facilitating the delivery of emergency services, protecting the environment and minimizing damage to real and personal property.

#### **II. TOWN ROADS THAT ARE SNOWPLOWED**

Unless closed because of a snow emergency, or unless subsequently identified as a town road that will be closed during the winter months or when such roads are reasonably impassible, all town roads will normally be snowplowed by the Town.

#### **III. TOWN ROAD SNOWPLOWING PRIORITIES**

The Contractor hired by the Town to plow the town roads shall have the authority to determine, in said Contractor’s sole discretion, the order in which the town roads will be plowed, and will determine such order and priority in such a manner as to provide for the most efficient and effective snowplowing as possible, in order to preserve the Town’s limited resources. This priority order of plowing may vary from time to time, as determined to be appropriate by the Contractor.

#### **IV. EMERGENCY RESPONSE VEHICLE ASSISTANCE**

If emergency services agencies request snow removal to assist response to an emergency situation, reasonable efforts will be made to accommodate the request.

#### **V. WHEN SNOWPLOWING BEGINS**

Snowplowing operations will generally commence within 12 hours of the accumulation of snow or ice, as determined by the Contractor, in his sole discretion, taking into consideration the following criteria:

- An evaluation of the immediate and anticipated weather conditions.
- The likely effectiveness of operations.
- Safety of employees.
- The likelihood of unreasonable risk of damage to equipment.
- Severe ice or snow conditions that seriously affect travel.
- Time of snowfall in relation to heavy use of the roads.

Snow and ice control operations are expensive and involve the use of limited resources. Consequently, operations will normally not begin until the snow has stopped falling or until such a volume of snow has accumulated as the Contractor determines must be plowed.

#### **VI. WHEN SNOWPLOWING WILL BE DELAYED OR SUSPENDED**

Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of operators or pose an unreasonable risk of damaging equipment. Once initiated, operations will be suspended if conditions deteriorate to the point that operations become unsafe for operators because of factors including, but not limited to, severe cold, significant winds, limited visibility, accumulation of ice, or rapid accumulation of snow. Operations will also be delayed or suspended if existing or anticipated conditions indicate the operations will not be effective.

Except in emergencies, snowplow operators shall not work more than twelve hour shifts and shall not operate equipment for more than ten hours during a shift.

#### **VII. HOW SNOW WILL BE PLOWED**

Snow will be plowed in a manner which is the most efficient for the Contractor and the least costly to the Town. The Contractor will endeavor to plow in a manner as to minimize traffic obstructions. Snow will normally be plowed from the center of the road first. Then snow will be pushed from left to right until at least the main traveled portion of the road has been cleared. On narrow roads, snow may be plowed from one side to the other. Snow will normally be discharged to the sides of the road unless it is determined that the snow should be hauled to another location for storage. Because of limited resources and restrictions on the use of salt, blacktopped roads will not usually be cleared down to bare blacktop.

In the event of equipment failure, extreme snowfall, or other unanticipated events including the availability or need to rest snowplow crews, deviation from these standards may be appropriate.

Snow will be plowed as close as practicable to mailboxes located in the road right-of-way. It shall be the responsibility of property owners to clear snow from and around their mailboxes to enable mail delivery.

Snowplowing unavoidably results in snow being deposited on driveways and approaches. Because the Town does not have the resources available for it to clear the ends of driveways and approaches, it is the responsibility of land owners to remove snow from their driveways and approaches. It is unlawful for property owners to plow snow across or deposit snow upon public rights-of-way. Minn. Stat. §§ 160.2715; 169.42, subd. 1.

**VIII.SANDING AND SALTING**

The Town must consider the cost, environmental impact, public safety, and availability of staff and equipment when deciding if, when, and to what extent to apply sand and salt. Furthermore, the state legislature has imposed the following limitations on the use of salt by road authorities:

“In order to: (1) minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways, and vegetation; (2) reduce the pollution of waters; and (3) reduce the driving hazards resulting from chemicals on windshields; road authorities, including road authorities of cities, responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places as upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time.” Minn. Stat. § 160.215.

To the extent sand and salt is applied, priority will be given to the following areas in the order listed: 1.) Hills, controlled intersections, bridges, and curves; 2.) Major arterial and collector streets; 3.) School zones; 4.) Bus routes; 5.) Commercial areas; 6.) Residential areas; and 7.) Rural areas.

**IX. SNOW STORAGE**

Collecting, hauling, and storing snow is expensive, requires special equipment, is labor intensive, and interferes with traffic while it is being performed. As such, snow will only be hauled and stored elsewhere when it is necessary to keep a road reasonably open and passable. If snow is hauled, it will only be stored on public land or on private property with the expressed written permission of the owners. To the extent possible, when snow containing salt is hauled it will be stored away from public waters.

**X. SNOWPLOWING OF PRIVATE PROPERTY**

The Town will not provide for the snowplowing or sanding of private property except when requested to do so by law enforcement to provide access for emergency vehicles responding to an emergency. If private property is used with the written permission of the owner to turn around equipment or to store snow, the Town may snowplow the private property as needed to accommodate the Town’s use of the land.

**XI. OBJECTS WITHIN TOWN ROAD RIGHTS-OF-WAY**

Town road rights-of-way are governed under the authority of the Town, and for the benefit of the public. It is the policy of the Town to place the highest priority upon keeping the roadways reasonably clear of snow and ice, and to hold property owners primarily responsible for placing their private property out of harm’s way. The Town’s snow and ice control operations are performed by independent contractors upon the rights-of-way in furtherance of the public’s interest in maintaining clear roads for travel. It is unlawful for any person to place within the right-of-way any personal property that may obstruct the Town’s snow removal efforts. It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans and other items of personal property in order to facilitate the proper snow and ice control operations. **No vehicles, trailers or other items of personal property shall be parked or stored in a public right-of-way from November 1 through May 1.** If an owner fails to keep the road clear of personal property, the Board or the Contractor may have the item towed or removed from the right-of-way at the owner’s expense. Neither the Town nor the Contractor shall be responsible for damage to any personal property that is left in the right-of-way during snow removal operations. Nor shall the Town or the Contractor be responsible for damage resulting from snow removal operations to any lawn, landscaping, sod, plantings, buildings or other real property improvements that are located in the right-of-way. While reasonable efforts will be made to avoid damaging private property, snow and ice control operations may result in damage to the property of others.

If a property owner’s mailbox is damaged as a result of snowplowing equipment, such damages will only be considered for compensation if the mailbox was physically struck by the snowplowing equipment, and if the mailbox was properly installed and was of a type in conformity with the standards specified by the United States Postal Services.

**XII. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES**

Complaints and requests for further services regarding snow and ice control may be addressed to the Town Clerk. Complaints and requests for further services should be directed to the Town Clerk. If the Contractor is aware of complaints or requests for additional services, it shall forward such complaints or requests to the Town Board for consideration.

**XIII. REVIEW OF POLICY**

The Board may periodically review and amend this policy, taking into consideration any changed conditions, new circumstances and any complaints or comments received.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE TOWN BOARD

\_\_\_\_\_  
Town Board Chair

Attest: \_\_\_\_\_  
Town Clerk